



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Larry Wittmeyer Jr.
Serial No. : 10/797,956
Filing Date : March 11, 2004
Title : Multi-Functional Stack of Repositionable Sheets

Group/Art Unit : 1794
Examiner : Victor S. Chang
Confirmation No. : 4878

Docket No. : 772204-0006-0002

DECLARATION OF BRANDON FIXSEN UNDER 37 C.F.R. § 1.132

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

I, Brandon Fixsen, hereby declare as follows:

1. I am the Vice President of Operations of TradeNet Publishing, Inc. hereinafter ("TradeNet"), having a business address at 1200 Energy Center Drive, Gardner, Kansas 66030. I have been with TradeNet since approximately 1995.
2. TradeNet is an advertising specialties company in the primary business of selling and manufacturing products for third parties used in the promotion and/or advertising of those third parties' businesses. TradeNet has been in the advertising specialties business since its formation in approximately 1987.
3. In 2008, TradeNet entered into an agreement with Larry Wittmeyer, the inventor and owner of the above-referenced patent application, to market and sell expandable/retractable sticky-note notepads constructed to mimic the appearance and function of a Slinky® toy as described in the subject patent application. TradeNet agreed

to offer the Slinky® notepad as one of its promotional items available for imprinting with the logo of any interested third party.

4. In January, 2009 TradeNet introduced the notepad at two tradeshows for promotional products. The customer response was extremely positive. In less than six months from its introduction, TradeNet has received over \$200,000 in orders for more than 275,000 custom imprinted notepads from more than 250 different customers, including orders from large, recognizable companies such as Commerce Bank, T-Mobile, Moneygram, Florida Orange Juice, Pepsi Cola and Clarks Department Stores. In my entire career with TradeNet, I have never before offered or seen a promotional product that has received such a large number of orders, or such a large dollar amount of orders, in as short a time as the subject notepad. Based on these initial numbers, I project the Slinky® notepad will become one of our best-selling promotional items and will likely achieve one million dollars in sales the first year.
5. I have received more positive customer feedback regarding the Slinky® notepad than from any product TradeNet has ever offered.
6. The Slinky® notepad received a first place *Counselor* Product Design Award for best desk accessory from the Advertising Specialty Institute (ASI), as featured in their 2009 Awards Issue. A copy of the online version of the 2009 Awards Issue is attached hereto as Exhibit A, with an enlarged view of the page having the Slinky® notepad attached as Exhibit B. The online version of the 2009 Awards Issue is available at <http://www.asicentral.com/asp/open/educationandevents/counselordesignawards/2009.aspx>.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of any patent issuing from this Application.

Date: 6-2-2009

By:

BSJ
Brandon Fixsen

EXHIBIT A



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SEARCH SITE

ASI Central

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Tune in every Tuesday
at 10:30 a.m. EST
Tune In!

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Products of the Week

Style 23-834
Flag Side-Design
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2009 Awards Issue

Mouse Over and Click Categories Below for Testimonials and Runners-up!

Counselor Product Design Awards

- Apparel
- Awards
- Bags
- Calendars
- Computer Accessories
- Desk Accessories
- Drinkware



- Electronics
- Gift Cards
- Housewares
- Meeting Products
- Sporting Goods
- Watches & Jewelry
- Writing Instruments

In this third annual awards program, Counselor found some of the most innovative, functional and eye-catching products in the ad specialty industry. Here are the 2009 winners.



Apparel: Performance Cap
Supplier: Cap America Inc. (as/43792)
Product Description: Featuring 100% fabric, the cap stays cool and odor-free while offering enhanced protection from UV rays. It uses the same technology that's found in breath mints to convert sweat to a fragrant.
Client/Contributor Testimonial: "No matter what the weather is, when you wear a hat, your head sweats. The technology of converting sweat to a fragrance to keep you cool makes this a hat I would show my clients. I work with fast food and fine dining restaurants and the hat would be great for kitchen help and counter help. Also, useful for anyone who is having a golf outing."
— Mike Grossman, vice president of sales, Imagemark (as/230137)
Runners-Up
1. Pinon Sweatshirt from American Apparel (as/352607)
2. Executive No-Ton Royal Cooled from Vantage Apparel (as/63300)
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Awards: Floating Globe
Supplier: Pressure Promotion Supply (as/78154)
Product Description: Using magnetic suspension, this floating globe hovers or spins in mid-air. It's offered in several colors, with the option of either an oval or piano-shape style.
Client/Contributor Testimonial: "The levitating and spinning makes this a great executive gift with a WOW effect. This item is great for any company with global locations or even just a goal of global expansion. This serves as a great reminder that we can have the world at our fingertips with a little hard work and perseverance."
— Mike Juebs, president, Corporate Images Inc. (as/169081)
Runners-Up
1. Pencil Holder Award from R.S. Owens (as/75530)
2. Awards in Motion (chrome) Award from Crystal O (as/47759)
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Calendars: McKA Magnetic Perpetual Calendar

Supplier: International Merchandise Concepts (isa/02020)

Product Description: This perpetual calendar provides a unique way to mark every day, just move the magnetic balls to indicate the day and month. It can be used on a desk or mounted on a wall.

Distributor Testimonial: "For those who enjoy a fantastic contemporary calendar with an innovative way to know the date, this is a real winner. As with much of the McKA product line, this is the focal point. This one fits right in with good design. Super office gift or for a design studio."

– Neil Caplan, proprietor, Production House (isa/137242)

Runners-Up

1. Multipurpose Leatherette Box from Gordon Industries Ltd. (isa/57800)

2. MousePad Calendar from Digispace (isa/40710)

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Desk Accessories: Shiny® Adhesive Note Pad

Supplier: TradeNet Publishing (isa/1760)

Product Description: Using alternating glass, this shiny notepad attracts the popular Shiny for that most everyone remembers from childhood. It's colored in five colors.

Distributor Testimonial: "What a blast from the past! A cool, fun twist on an everyday useful item. This is ideal for kids of all ages at schools and trade shows, or you can work off the shape of the product and sell to design companies that provide culverts or col/wire companies."

– Julia Hanna, supplier relations administrator, Harb/Lee Wayne Corporation (isa/35000)

Runners-Up

1. Highlighter Set from Gordon Industries Ltd. (isa/57800)

2. Lucky Bamboo from Western Promotions (isa/00672)

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Bags: Ship-N-Tote

Supplier: Fabrics (isa/3450)

Product Description: A dual-purpose product, the Ship-N-Tote serves as a unique mailer and an eco-friendly carry bag. The outside is made of protective clear vinyl, but once products are shipped, the recipient can turn it inside-out and transform it into a tote.

Distributor Testimonial: "We had this as a hot pick last year! What a cool piece. You pack it and it is shippable and turns into a tote for the recipient. This could be used by anyone who wants to make an impact as well as get their package opened upon receipt. There is no way anyone wouldn't love it up."

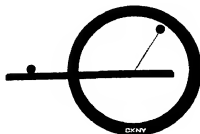
– Michelle Abbuhl, CEO, Abbuhl Advantage Inc. (isa/110272)

Runners-Up

1. Life in Motion Bag from Gentone (isa/5070)

2. Michael Kors ASTROR Large North/South Tote from Special Markets Marketing (isa/30571)

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Computer Accessories: Laptop Sleeve

Supplier: Nuno (isa/4710)

Product Description: This sleeve is offered in 140 color combinations and is made from the same material (Neoprene) that's used in wetsuits. Accent panels are designed by P.K. Rines and three sizes are available.

Distributor Testimonial: "Takes mainstream retail to the promotional industry. Color combinations make it highly customizable. Would be good for professional markets and education."

– Sheila Johnson, director of promotional products, Deluxe Corporation (isa/170720)

Runners-Up

1. Built Cargo Laptop Sleeve from Bull NY Inc. (isa/42422)

2. Keyboard Slip from Pagine (isa/78137)

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Drinkware: 22 oz. Clear Reusable Plastic Cup

Supplier: Visium (isa/3075)

Product Description: Designed to create a visual impact, this cup features high-



Electronics: Emergency Flasher
Supplier: KTI Networks Inc. (a#037770)
Product Description: This device has six super-bright LEDs that can be seen from a long distance. The built-in magnet in the back allows it to be placed on a vehicle's roof.
Distributor Testimonial: "This is compact, lightweight and very functional. It's also colorful and gets noticed. I'd sell to the auto industry in the manufacturing, sales, repair and retail areas and also to associations such as AAA."
 - Steven DeVarne, owner, Interact LLC (a#231576)
Runner-Up:
 1. Driven Charging Station from International Merchandise Concepts (a#02020)
 2. Pre-Programmed Greeting Message Badge from GroggTone (a#44460)
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Gift Candy: Metal Dog Tag
Supplier: CFS Promotions for Now! (a#42000)
Product Description: More than 3.5 million songs are available on this custom, four-color prepped download card. Compatible with iPods, MP3 players, PCs and Macs. Custom options like parental controls are available as well.
Distributor Testimonial: "Gift cards have become a common transactional tool in most retail environments. These dog tag I think can be used in more than one way, and that's added value. They are worth cash, and you can use them to advertise, track, gain consumer trends and information. We have been promoting these. Anyone is a target."
 - Memo Kahan, president, Promoshop Inc. (a#000446)
Runner-Up:
 1. Knave Band from MediaTree (a#70303)
 2. Reusable Tote Bag Gift Card from Target
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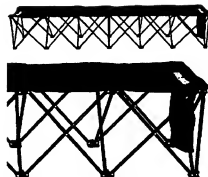
Housewares: Grill Master Apron Kit
Supplier: Gemline (a#00707)
Product Description: Featuring an insulated adjustable pocket for keeping a beverage cool, this apron is practical for any fan of grilling. There's also a detachable bottle opener, towel and padded oven mitt.
Distributor Testimonial: "Built-in beverage holder, are you kidding? I need one now. I'd pitch it as a gift with the purchase of a new BBQ to home improvement retailers. I can already see the ad in my Sunday circular."
 - Jeff Hall, vice president of marketing, Remmed Solutions by Edger Martinez (a#45078)
Runner-Up:
 1. Mokka Timepiece Clock from International Merchandise Concepts (a#02020)
 2. Ice River Rolling Cooler from Magnet LLC (a#08620)
 (a#) Saddle Bag Cooler and Tote from Towel Spectacles (a#01005)
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Meeting Products: Matrix Calculator Portfolio
Supplier: Posh Accessories Inc. (a#70030)
Product Description: This portfolio includes a nylon exterior pocket and several interior pockets for iPods, iPhones, business cards, flash drives, calculators and more. It comes packaged in an eco-friendly drawing bag.
Distributor Testimonial: "A great tool and a great medium to advertise your brand. There is a home for the staple pad of paper, business cards, the iPod and USB drives. This is appealing to any business professional who is constantly battling to stay organized."
 - John Henry II, founder, JH Specialty Inc. (a#232445)
Runner-Up:
 1. Sticky Note Booklet from BIC Graphic USA (a#40400)
 2. Custom Journal from JournalBooklet/Timeplaner Calendar (a#01340)
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Sporting Goods: TravelBench Original
Supplier: TravelChair Co. (as/91916)
Product Description: Eight feet long when it's expanded, this portable bench seats up to six people (250 lbs. per seat) and then easily folds and stores in a heavy-duty carry bag. No assembly required.
Distributor Testimonial: "I have coached kids' sports from baseball to soccer to lacrosse for 12 years and I have bought one of these personally. They are a fantastic shoe and useful to anyone involved with sports, education, Boy Scouts and more. I'd sell it to schools, sports clubs, youth groups, churches, camps and businesses that sponsor teams."
 — Rod Brown, CFO, MadeToOrder (as/299549)
Runners-Up
 1. Mouth Ball from Jomik Mfg. Corp. (as/933549)
 2. Cool Master from Way2Cool Inc. (as/92735)
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Watches & Jewelry: Lots Hill Outwork Bracelet
Supplier: Special Markets Marketing (as/88371)
Product Description: Hand-crafted and made from sterling silver, this bracelet has outwork life, spaced with genuine work links. Wearing replicates selected cultural styles from around the world.
Distributor Testimonial: "The originality of this bracelet and the quality materials make it ideal for recognizing an employee milestone or as a thank-you to a top client. I would promote this product to the fashion and personal service industries."
 — Greg Mazzola, CEO, Proforma (as/30004)
Runners-Up
 1. MP3 Watch from Gordon Industries Ltd. (as/37800)
 2. Steps of Hope Awareness Shoe Necklace from Buz'Pac Inc. (as/40505)
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Writing Instruments: PosiK Flag Pen and Highlighter Combo
Supplier: SMART Promotional Marketing Dept. (as/87240)
Product Description: Offering three marketing tools, this pen/highlighter combo also has a built-in flag dispenser. A logo can be imprinted on the barrel in up to four colors.
Distributor Testimonial: "This pen is really unique. It would be a good item for trade shows where you could take notes and leave a marker in the page of a catalog that one would pick up. Also, it would be a good item to have at a training session. It could be used to mark pages of any handbook."
 — Tom Kauffman, president, Kauffman & Associates (as/232355)
Runners-Up
 1. Logo Projection Pen from Gordon Industries Ltd. (as/37800)
 2. The Motion Pen I from Poppenex (as/70000)
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EXHIBIT B

Desk Accessories: Slinky Adhesive Note Pad

Product Description: Using alternating glue, this spring notepad emulates the popular Slinky toy that most everyone remembers from childhood. It's offered in five colors.

Distributor Testimonial: "What a blast from the past! A cool, fun twist on an everyday useful item. This is ideal for kids of all ages at schools and trade shows, or you can work off the shape of the product and sell to drainage companies that provide culverts or culvert companies."

— Julie Harris, supplier relations administrator, H&O/Lea Wayne Corporation

Runners-Up

1. Highlighter Set from Gordon Industries Ltd. (as/57600)
2. Lucky Bamboo from Western Promotions (as/96673)

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Drinkware: 22 oz. Clear Reusable Plastic Cup

Supplier: Vestun (as/93976)

Product Description: Designed to create a visual impact, this cup features high-contrast, embossed lettering that can be used for any logo or message. Other sizes of plastic and paper cups are also available.

Distributor Testimonial: "I love that it's visually arresting. Great inexpensive giveaway that will get used over and over again. We would focus on selling this to clients who do a lot of business with us. It really makes a statement about being bold and different."

— Mark Ziskind, COO, CSC (as/155907)

Runners-Up

1. Camelbak Better Bottle from The Allen Co. (as/34330)
2. Color Shift Full Color Stoneware Mug from World Wide Lines (as/92290)

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Electronics: Emergency Flasher

Supplier: KTI Network Systems, Inc. (as/63776)

Product Description: This compact, super-bright LED's that can be seen from a long distance. The built-in magnet in the back allows it to be placed on a vehicle's roof.

Distributor Testimonial: "This is compact, lightweight and very functional. It's also ideal for use in a variety of situations, such as the manufacturing, sales, repair and retail areas and also to associations such as AAA."

— Steven DeVente, owner, Interact LLC (as/231579)

Runners-Up

1. Dual Charging Station from International Merchandise Concepts (as/62820)
2. Pre-Programmed Scrolling Message Badge from CloggPoms (as/46466)